

**TOWN OF DAVIE
REGULAR MEETING
OCTOBER 18, 2006**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:30 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Truex and Vice-Mayor Crowley, Councilmembers Paul, Starkey, and Caletka. Also present were Acting Town Administrator Cohen, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

3. PRESENTATIONS

3.1. Affordable Housing - Jim Dale

Mr. Dale explained an affordable housing program using manufactured homes he had designed for Town employees.

Mayor Truex asked Mr. Dale about the costs. Mr. Dale explained that the cost of the home was \$80,000, which would break down to a \$590 per month mortgage payment, and the rent would be another \$530 per month for a total of \$1,120.

Councilmember Starkey commended Mr. Dale on his communities. She liked the concept and felt Council should also look at a down payment assistance program for Town employees.

Councilmember Caletka thanked Mr. Dale for identifying one solution to the housing problem and asked staff to look at the program. Mr. Dale explained to Councilmember Caletka that they were forming their own subsidiary within the home insurance industry.

Vice-Mayor Crowley felt Council should determine if any employees would be interested in the program.

Councilmember Paul had questions regarding the Town's participation, and thought this could be discussed at a future meeting.

Mr. Cohen said he would put together a team to study this program. Regarding the budget, Mr. Cohen explained that how the program was categorized would determine where it would be included in the budget.

3.2. Toys for Tots - Mayor Truex

John Pisula introduced Marine Sergeant Tim Forti, who provided a presentation on the Toys for Tots program. Sergeant Forti explained the evolution of Toys for Tots and reminded everyone that this program benefited local families.

Mayor Truex thanked Sergeant Forti and his group for their service and his involvement in the program.

Mayor Truex suggested that Council decide which items to pull from the Consent Agenda and then turn their attention to the selection of the Town Administrator, prior to discussion of Consent Agenda items. Council had no objections.

Mayor Truex stated that staff wanted to do some additional work on item 4.6, so it should be pulled. Councilmember Starkey asked what the status was of the survey the Council had requested. Mr. Cohen said the survey was complete, but staff wanted to continue working on the language. He agreed to send Council a complete package on this item prior to its inclusion on an agenda. Vice-Mayor Crowley asked how long Mr. Cohen felt the revisions would take, noting that he had reservations about the item in its current form. Mr. Cohen anticipated it would take two to three weeks.

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Mayor Truex advised that that item 4.20 needed to be added.

Councilmember Starkey made a motion, seconded by Councilmember Paul, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

4. APPROVAL OF CONSENT AGENDA

Minutes

- 4.1. August 11, 2006 - Emergency Meeting (tabled from October 4, 2006)
- 4.2. August 16, 2006 - Regular Meeting (tabled from October 4, 2006)
- 4.3. August 21, 2006 - Workshop Meeting (tabled from October 4, 2006)
- 4.4. September 6, 2006 - Special Executive Session

Proclamation

- 4.5. Make a Difference Day (October 28, 2006)

Resolutions

4.6. WITHDRAWN BY STAFF

PERSONNEL RULES - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE FLORIDA AMENDING THE TOWN OF DAVIE PERSONNEL RULES AND REGULATIONS, RULE IV, ENTITLED "COMPENSATION PLAN", SECTION 9, ENTITLED "OVERTIME" AND SECTION 11, ENTITLED "COMPENSATION FOR SALARIED, EXEMPT EMPLOYEES DURING EMERGENCY MANAGEMENT"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from September 6, 2006)

- 4.7. **CONTRACT AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN AMENDMENT AND EXTENSION OF THE EXISTING CONTRACT WITH CPZ ARCHITECTS FOR MISCELLANEOUS ARCHITECTURAL SERVICES. (tabled from October 4, 2006)

- 4.8. **CONTRACT AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE AMENDMENT AND EXTENSION OF THE EXISTING CONTRACT WITH SALTZ MICHELSON ARCHITECTS FOR MISCELLANEOUS ARCHITECTURAL SERVICES. (tabled from October 4, 2006)

- 4.9. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN THE FRIENDS OF CLAY SHAW FOR THE RENTAL OF THE BERGERON RODEO GROUNDS FOR A COMMUNITY POLITICAL EVENT. (\$1,500)
R-2006-273

- 4.10. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE ACTION OF THE DAVIE COMMUNITY REDEVELOPMENT AGENCY TO APPROVE THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN NOB HILL PARTNERS, LLC AND THE TOWN OF DAVIE COMMUNITY REDEVELOPMENT AGENCY; AND PROVIDING AN EFFECTIVE DATE.
R-2006-274

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- 4.11. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING AN AGREEMENT BETWEEN THE INSTITUTE FOR COMMUNITY COLLABORATION, INC. AND THE DAVIE COMMUNITY REDEVELOPMENT AGENCY TO APPROVE THE PROPOSAL FOR PLANNING SERVICES TO PREPARE AN APPLICATION FOR DEVELOPMENT APPROVAL (ADA) FOR AN AREAWIDE DEVELOPMENT OF REGIONAL IMPACT (DRI) FOR THE STATE ROAD 7 MASTER PLAN AREA; AUTHORIZING THE MAYOR TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING HIS SIGNATURE TO SAID RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.
- R-2006-275
- 4.12. **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE AND REMOVE THE 6 FOOT WIDE UTILITY EASEMENT ALONG THE SOUTH ON THE PLAT KNOWN AS “PLESS-WEBB PLAT”; AND PROVIDING AN EFFECTIVE DATE. (DG 7-2-03, Innovative Concept Croup, 6415 SW 41 Street)
- 4.13. **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE DELETION TO THE NON-VEHICULAR ACCESS LINE OF THE “W.A.B. II INVESTMENTS,” AND PROVIDING AN EFFECTIVE DATE. (DG 5-1-06, Eddie’s Collision Experts, 4375 SW 60 Avenue)
- 4.14. **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE “SADDLE BRIDGE” AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR’S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 9-1-05, Saddle Bridge, generally located on the south side of Griffin Road between SW 76th Avenue and SW 78 Avenue) *Planning and Zoning recommended denial*
- 4.15. **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE “DOYON” AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR’S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 1-2-06, Doyon Plat, 5399 SW 42 Avenue) *Planning and Zoning recommended approval as long as the Town had a survey of the entire property*
- R-2006-276
- 4.16. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE FIRM OF MAYER HOFFMAN MCCANN, P.C. TO ASSIST THE TOWN IN NEGOTIATIONS WITH CERTAIN VENDORS TO RECOVER OVERPAYMENTS IDENTIFIED IN MAYER HOFFMAN MCCANN’S AUGUST 31, 2006 REPORT. (\$10,000)

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Quasi-Judicial Consent Agenda

- 4.17. SP 3-4-05, Innovative Concept Group-Pless Webb, 6415 SW 41 Street (B-2) *Site Plan Committee recommended approval based on the planning report and the following comments: 1) on plans drawing A-1, the corner columns feature show Hardy board on the tower, however, on the rendering it shows all brick; therefore, the plans should be changed to match the rendering; 2) there is no signage approval at this hearing; 3) relocate the dumpster enclosure six-feet to the north; 4) increase the lighting wattage to 1.5 foot-candles at the front entrance; 5) create a band made of brick in the upper portion of the tower; 6) change color swatch #6270 to a lighter tone in the red family; 6) in relocating the eight-inch caliber Live Oak trees to the western property line – they need to be moved just one time and make every effort to insure their survivability; 7) work with staff to redesign the parking lot in order to accommodate the existing 18-inch caliber Live Oak's preservation; 8) round off the curbing at the parallel parking space; 9) provide shielding from the lighting at the entrance for the residences across the street; and 10) on the north side of the building, the element that projects on the north face, instead of it being a flat roof, have a metal sloped roof in a hip configuration just over that portion that extends outward on the north face*
- 4.18. SP 5-4-05, Phase II - Eddie's Collision Experts, 4375 SW 60 Avenue (M-1) *Site Plan Committee recommended approval subject to the planning report*
- 4.19. MSP 9-2-05, Saddle Bridge, Griffin Road, east of University Drive (Griffin Road Corridor) *Site Plan Committee recommended approval subject to staff comments and the following additional comments: 1) regarding the bridge over the lake, the applicant will provide a detail of the bridge to add to the plans, that four column posts will be added, one in each corner of the bridge with post lighting to add lighting to the bridge, and the detail will include the stone as described at this meeting; 2) add lighting details to the plans as far as lighting fixtures for the community which had not been provided at this meeting; 3) on the office/retail/commercial building, revise the openings and roof design to increase the enclosure of both stairways and add additional Bahamas shutters for closures; 4) on the office/retail/commercial building the decorative roof brackets need to be coordinated in order to be consistent with the rendering; 5) on the residential units, correct the rendering to reflect that the doors on the street side near the garages are to match the plans which show the door in front and not on the side; 6) add a crosswalk between buildings five and eight; 7) on the commercial building, create a "sign band" area for all the retail spaces which will be accomplished by raising the canopy and addressing the scoring designs to provide for that; and 8) the developer would work with staff to come up with a development agreement similar to Willow Grove as to the timing and completion of the commercial structure*

Councilmember Paul pulled items 4.14, 4.16 and 4.19. Councilmember Starkey pulled item 4.20. Vice-Mayor Crowley pulled items 4.7, 4.8, 4.12, 4.13, 4.15, 4.17 and 4.18.

Motion made by Councilmember Starkey, seconded by Vice-Mayor Crowley, to approve the consent agenda minus items 4.7, 4.8, 4.12, 4.13, 4.14, 4.15, 4.16, 4.17, 4.18, 4.19 and 4.20. In a voice vote, all voted in favor (motion carried 5-0).

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5. DISCUSSION OF CONSENT AGENDA ITEMS

4.7 Vice-Mayor Crowley wanted items 4.6 and 4.7 to be rebid. Councilmember Caletka agreed. Mr. Cohen assured Council that the delay to complete the bidding process would not present a hardship.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to re-bid item 4.7. In a voice vote, all voted in favor. (Motion passed 5-0)

4.8. Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to re-bid item 4.8. In a voice vote, all voted in favor. (Motion passed 5-0)

4.13 and 4.18 Vice-Mayor Crowley requested that these items be tabled until the Water Control District had approved them.

Vice-Mayor Crowley made a motion, seconded by Councilmember Caletka, to table items 4.13 and 4.18 until November 15, 2006. In a voice vote, all voted in favor. (Motion approved 5-0)

4.15 Councilmember Caletka made a, seconded by Vice-Mayor Crowley, to approve. In a voice vote, all voted in favor. (Motion approved 5-0)

4.16 Councilmember Paul requested that this item be tabled until she better understood the methodology and could not remember if this had been discussed at the last meeting. She indicated that she would like to meet with the auditor with a staff member. Councilmember Starkey indicated that this was discussed and the reason this was moving forward was because the forensic auditor had a knowledge of the background information to obtain reimbursement. Councilmember Paul indicated that she would like to review this item further. She asked that this item be tabled to the next meeting.

Councilmember Paul made a motion, seconded by Vice-Mayor Crowley, to table the item to November 1, 2006. In a voice vote, all voted in favor. (Motion approved 5-0)

4.20 Councilmember Starkey advised that this was an increase of \$2,000. Mr. Cohen advised that last year's contract was \$38,000 per month and this was not an increase.

Mayor Truex asked why this item was added on and recommended that be discussed at the next meeting.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to table this item to November 1, 2006. In a voice vote, all voted in favor. (Motion passed 5-0)

4.12 and 4.17 Vice-Mayor Crowley requested that items 4.12 and 4.17 be tabled until the Water Control District had approved them. He advised that it appeared that there was not adequate storage for the site which would negatively affect the neighboring properties. Vice-Mayor Crowley stated that staff needed to advise applicants to obtain approval from the Water Control District.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to table to November 15, 2006. In a voice vote, all voted in favor. (Motion passed 5-0)

4.14, 4.19, and 6.2 These items were heard together with the consent of Dennis Mele who represented the applicant.

Mr. Kiar read the rules of evidence and swore in the witnesses. Planning and Zoning Manager Bruce Dell summarized the planning report.

Councilmember Caletka asked how many flex units remained. Mr. Dell advised that there were a total of 115, including the reserves, and the applicant wished to utilize 99 of these. Mr. Mele, also

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representing the applicant, clarified that in Flex Zone 102, there were 101 Flex units, plus 115 reserve units and the applicant was requesting 99.

Mr. Mele provided the following exhibits: A) a site plan and renderings of the site; B) an amended site plan, and C) a letter from the Davie Economic Development Council indicating their support of the project. He described the access points and pointed out project components. Mr. Mele explained that they could alter the current site plan to eliminate the 76th Avenue access. The Town had requested that this access be included, but neighborhood groups had responded strongly in opposition to it. If 76th Avenue was not used, there would be three remaining access points.

Julian Bryant, designer for Centerline Homes, pointed out the equestrian trails, additional right-of-way, pedestrian sidewalks, and the gazebo/seating area. Councilmember Starkey asked if a bus turnout area had been considered. Mr. Mele advised that the plat must be examined by Broward County and they would determine whether a bus pullout or shelter should be included. He acknowledged that there could be a problem with the nearby bridge being located too close for a bus pullout and agreed to request this from the Department of Transportation (DOT) to determine if it was possible.

Councilmember Paul noted the complications DOT often caused for development. Mr. Mele admitted that this project was on a particularly difficult site to access because it was located on a State road and there were bridges in the area. He felt combining the sites allowed their shared access points to work better than the access either would have separately.

Councilmember Caletka asked Mr. Mele if he would be willing to make a \$1,000 donation to the Davie Police Athletic League not contingent upon approval. Mr. Mele agreed. Mr. Kiar stated that “no one’s vote is contingent upon this voluntary contribution.”

Mr. Kiar opened the public hearing portion of the meeting.

Dennis Lincoln, 4690 SW 78 Avenue, was concerned about there being no barrier around the new road, and about drainage issues. He was worried that the one-way road “makes a great drag strip.” Mr. Kiar asked if staff would direct Mr. Mele to address the issues Mr. Lincoln had raised. Town Engineer Larry Peters advised that the drainage issue would be addressed, but he felt that a barrier did not make any sense.

Scott Spages, 3144 Peachtree Circle, asked if it was legal for a Councilmember to ask for a donation from an applicant. Mr. Kiar advised that he would strongly suggest that this not be a requirement. Councilmember Caletka stated that it was not a requirement and indicated that he said that it was not contingent upon approval. He explained that the reason for the request was that the applicant was asking for certain things out of the ordinary that would require approval.

Valerie Bamford, 4701 SW 74 Terrace, said the applicant was neglecting the single-family residences just behind Willow Grove where she lived, directly to the east of this property. She was opposed to any more “three-story monsters” overlooking her home. Ms. Bamford also objected to the ingress/egress onto SW 76th Avenue because she felt the residents could no longer use this for walking, skating and biking. Ms. Bamford conceded that something had to be built on the property but the request was too much.

Susan Theodosiou, 4760 SW 74 Terrace, agreed with Ms. Bamford and wondered why the developer wanted to build a “sister project” next to Willow Grove, which seemed to still be vacant after one year. She did not understand why the density must be so great and why it must be three-stories, as this invaded the current resident’s privacy. Ms. Theodosiou felt that the quality of life in this area had definitely been degraded.

Joseph Cosner, 4451 SW 77 Avenue, said this was originally intended to be a commercial node, and he did not think the Town’s intention was to increase residential density on commercial property. Mr. Cosner noted that the project did not look good from all sides and the parking was not concealed. He was

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concerned with traffic issues at the access points because of the number of residents. Mr. Cosner felt that flex areas should be spread throughout the Town, not concentrated in one area.

Mr. Kiar closed the public hearing. Councilmembers disclosed communications they had regarding this matter.

In response to Mr. Lincoln's drainage and barrier concerns, Mr. Mele said that the applicant had already agreed to provide a drainage outfall from Mr. Lincoln's property to the project's lake. He added that the applicant would also move the existing fence from the right-of-way onto Mr. Lincoln's property line. Mr. Mele stated that 14 of the 16 units in their existing commercial building to which Ms. Theodosiou referred had already been sold.

Mr. Mele conceded that 99 units sounded like a lot, but noted that this was a very large site. He added that residential development caused much less traffic than did commercial.

Mayor Truex complimented the developer on the concessions made, but thought the request was too much. He hoped that nobody on the Council would remotely consider approving the request without taking off the access to 76th Avenue. Mayor Truex said that the Town needed an urban development line separating areas where growth would be encouraged or discouraged.

Mayor Truex remembered the Griffin Road corridor mixed-use discussions, and the presentation of mixed use had described projects with ground level commercial and upstairs residential. He felt the project would be improved by far less residential density and more of a commercial component, for true mixed-use. Mayor Truex was bothered by the fact that all of the driveways lined up, and remarked that this was something that the Town discouraged in other parts of Town. He felt Council owed it to the current area residents to not approve the project.

At a request from Councilmember Paul, Robert Stieglitz advised that the units were 16 and 18 feet wide. Councilmember Paul was also concerned that so many flex units would be used in one project. She was reluctant to approve any more townhomes with single-car garages, as she felt there would not be enough parking for the average household. Councilmember Paul was in favor of closing both access points on 76th Avenue and making sure that 48 Street remained one-way. She felt if the applicant decreased the density, they could address the single-car garage issue.

Councilmember Starkey liked the overall use of the land and design, but was concerned with the height of the three-story units and agreed that 76th Avenue should be closed to access. She also agreed with Councilmember Paul that the density was too high, especially along 76th Avenue next to existing residences.

Councilmember Caletka was concerned with using commercial platted land for residential development. He objected to the single-car garage and the use of so many flex units as well.

Vice-Mayor Crowley's concerns included the density, the placement of the lake, and the traffic on 76th Avenue. He said that this project was "not even close" to the type of development he desired for this site.

Mr. Mele asked the Council to defer the request so he could rework the plan and re-present it.

Vice-Mayor Crowley made a motion, seconded by Councilmember Paul, to defer items 4.14, 4.19 and 6.2. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

6. PUBLIC HEARING

Resolutions

- 6.1. **CAPITAL PROJECTS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE 5-YEAR CAPITAL PROJECTS PROGRAM FOR THE TOWN OF DAVIE FOR FISCAL YEARS 2007- 2011. (tabled from September 6, 2006)**

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Councilmember Paul indicated that the Budget Advisory Committee had requested this item be tabled.

Councilmember Paul made a motion, seconded by Vice-Mayor Crowley, to table to November 15, 2006. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - out of room; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 6.2. **RESERVE UNITS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE ALLOCATION OF RESIDENTIAL RESERVE UNITS TO THE "SADDLE BRIDGE" PLAT; AND PROVIDING AN EFFECTIVE DATE. (FX 9-1-05, Saddle Bridge, generally located on the south side of Griffin Road between SW 76th Avenue and SW 78 Avenue) *Planning and Zoning recommended denial*

This item was deferred earlier in the meeting.

Ordinance - First Reading/Quasi Judicial Item (Second and final reading to be held November 4, 2006)

- 6.3. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 9-2-05, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT; AMENDING THE ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 9-2-05, Vietnamese Buddhist Cultural Center of FL Inc., 2321 SW 127 Avenue) (from A-1 to CF) *Planning and Zoning recommended approval subject to not having to contribute to the "traffic calming phantom fund," however, they had to improve the roadway*

Town Clerk Muniz read the ordinance by title. Mr. Kiar read the rules of evidence and swore in the witnesses. Mr. Peters summarized the planning report.

Upon questioning by Councilmember Paul, John Ufheil, representing the applicant, explained that all traffic currently came in off 22nd Street and the applicant had agreed to provide a paved road approximately 600 feet of road from the south property line to the existing road.

Mayor Truex remarked that only two residents had attended the citizen participation on this item. Mr. Ufheil advised that he had heard from an adjacent neighbor concerned about drainage issues and flooding of his access road if a berm was installed on the south side. He had sent this neighbor a letter explaining that they would furnish a roadway for the neighbor's access to his property and construct swales so the water would drain 127th Avenue. Mr. Ufheil advised that another concern came from Mr. Mele who would like to see the road go to the north, which was considerably farther away than the nearest road to the south.

Mr. Ufheil stated that there were now 48 in the congregation, and the Center did anticipate some future growth.

Mr. Kiar opened the public hearing portion of the meeting.

Sylvia Clements stated that she had researched the church and found that a different corporation was registered to the church's address. She wondered if there would be a monastery, monks, or a school on the premises. Tina Franetic, the former property owner, explained that the corporate information the Town had was correct and it was an active nonprofit registered corporation. She did not know what corporate information Ms. Clements had researched and informed Council that she had sold the church the property in October 2003. Tang Fam, president of the Cultural Center, said they were anticipating an

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increase in membership which they projected a total membership in 10 years to 250 members. He advised that there would be no school on the property, and only he resided at the property.

Ms. Clements referred to a 2005 letter from Ms. Franetic that she said she took offense to. The letter stated that the Mayor "gave them permission in 2004," and Ms. Clements knew the Mayor would not do that. She also took offense to Ms. Franetic's claim that the zoning change would not affect the nearby resident's living conditions because members did not meet daily. Mr. Fam had explained in a subsequent letter that children's tutoring sessions would be held daily and on weekends. She wondered where these children would come from and if they came on busses, there would be a daily school. Ms. Clements felt that because of road conditions, the Center would not be safe for the community or the children. She was also concerned that the Center kept moving around and had owned two other properties in the area. Ms. Clements admitted she did not live near this property.

Regarding the road issues raised by Ms. Clements, Mr. Peters assured Council that any paving would be strictly held to the Town's standards.

Mr. Kiar closed the public hearing and asked Council for their disclosures.

Mayor Truex explained the reference Ms. Clements had made to his involvement in this matter. Mayor Truex indicated that the property was being used as a private residence, and staff, not he, had written a letter stating that use of the property as a private residence, with guests occasionally visiting to meditate together, was allowed.

Mayor Truex said it seemed the facility was needed, and concurred with Planning and Zoning that they should approve it. Councilmember Paul was concerned that the increased membership, and the presence of a school, would lead to increased traffic. Ms. Franetic explained that there would not be a school, and there would be two services on Sunday. The children mentioned were immigrant children for whom the center offered English classes.

Mayor Truex said they could change the zoning to CF for the Cultural Center, but make this non-transferable. Mr. Ufheil agreed.

Councilmember Caletka advised that he would vote against the variance because the backup stated that "the proposed zoning designation may not be the most appropriate designation to enhance the Town's tax base, given the site's location relative to the pattern of land use."

Councilmember Starkey was concerned about the distance separation between the church and residential area. She wanted to use restrict the site to 100 people and require a temporary use permit for special events. Mr. Dell confirmed that these could be conditions of Council's approval, and the property could be deed restricted as well. Ms. Franetic said the Center would agree to apply for a temporary use permit for special events.

Regarding the variance request, Vice-Mayor Crowley noted that the Calvary Chapel had been granted a variance to be located 1,600 feet from an existing church.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve the rezoning with the following conditions: 1) no more than eight persons would live on the property; 2) the property would be deed restricted to the Cultural Center only; on subsequent sale, the zoning would revert back to AG; 3) special events would require a temporary use permit and would be limited to four per year; and 4) events where attendance was expected to exceed 100 would require an alternative location. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - no; Councilmember Paul - no; Councilmember Starkey - yes. (Motion carried 3-2)

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Quasi Judicial Item

- 6.4. **VARIANCE** - V 9-1-05, Vietnamese Buddhist Cultural Center of FL Inc., 2321 SW 127 Avenue (to reduce the distance between freestanding houses of worship from 2,500 feet to 1,609.64 feet from the Hanmi Baptist Church and 2,310.54 feet from the Calvary Chapel Sawgrass) (A-1) *Planning and Zoning recommended approval*

As this item was discussed with item 6.3, Mr. Peters summarized the planning report.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve the variance request, subject to the same conditions as the rezoning request. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - no; Councilmember Paul - no; Councilmember Starkey - yes. (Motion carried 3-2)

7. APPOINTMENTS

7.1. Mayor Truex

- 7.1.1. Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

- 7.1.2. Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2008) (members shall be a minimum 60 years of age)

No appointment was made.

- 7.1.3. Water and Environmental Advisory Board (one exclusive appointment; term expires April 2008) (insofar as possible, one member shall be a licensed engineer)

No appointment was made.

7.2. Councilmember Caletka

- 7.2.1. Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2008) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

- 7.3. Unsafe Structures Board (two non-exclusive appointments; terms expire April 2009) (members shall be permanent resident or have their principal place of business within the Town's jurisdiction) (one appointment shall be a plumbing contractor and one appointment shall be a real estate property manager)

No appointment was made.

8. OLD BUSINESS

8.1. Selection of Town Administrator

Earlier in the meeting, Councilmember Starkey made a motion, seconded by Mayor Truex, to approve Horace McHugh. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - no; Councilmember Caletka - no; Councilmember Paul - no; Councilmember Starkey - yes. (Motion denied 2-3)

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Councilmember Starkey felt that of all the candidates, Mr. McHugh had “glowingly...come forward.” She appreciated his banking, assistant city manager experience, and his longevity in Fort Lauderdale. Councilmember Starkey noted his membership in Leadership Broward and the ICMA, and his degree in Public Administration. She thought Mr. McHugh had done very well in the interview process.

Mayor Truex felt that any of their five applicants would be a good choice, and he would ultimately be happy with any of them. He thought Council should have moved to approve the candidate who had scored best when they were ranked.

Vice-Mayor Crowley appreciated waiting a few days after their ranking to make the selection to analyze the situation. He felt Mr. Shimun had a slight edge because he had experience as a manager.

Councilmember Caletka agreed with Mayor Truex that Council should have moved to approve one of the top two candidates as soon as they ranked them. He agreed that all of the candidates were qualified, and would recommend Mr. Shimun.

Councilmember Paul thought Council would re-rank the candidates this evening.

Councilmember Starkey felt that Council should name two candidates, in the event that negotiations failed with the first candidate.

Councilmember Caletka made a motion, seconded by Vice-Mayor Crowley, to begin contract negotiations with Mr. Shimun for the position of Town Administrator. If negotiations with Mr. Shimun failed, they would proceed with negotiations with Mr. McHugh. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - no. (Motion passed 3-2)

Mr. Shimun said that he looked forward to working with Council and felt sure they would arrive at an amicable agreement.

Councilmember Caletka suggested that a Councilmember begin negotiations with Mr. Shimun. Councilmember Starkey recommended that Mayor Truex, Mr. Kiar and Mr. Slavin conduct the negotiations.

8.2. Selection of Town Representative for Metropolitan Planning Organization

Motion made by Councilmember Paul, seconded by Vice-Mayor Crowley, to appoint Councilmember Caletka as the Town’s representative to the Metropolitan Planning Organization. In a voice vote, all voted in favor (Motion carried 5-0)

9. NEW BUSINESS

9.1. Fire Station 68 Workshop - Councilmember Starkey

Councilmember Starkey reported that she had visited the Fire Station several times over the past five years, and noticed that several improvements were needed. Councilmember Paul suggested that Council allow the new Town Administrator to be in charge of this project. She stated that Council knew there were issues that needed to be addressed but the new Town Administrator should take the lead to provide an opportunity to relate to the firefighters. Councilmember Starkey wanted to take the lead on this issue and staff could assist her.

Vice-Mayor Crowley said that staff had already agreed to find out if they could acquire additional property. The architect had also indicated he could not make the project work on this parcel and Vice-Mayor Crowley felt perhaps the Town needed a different architect.

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Councilmember Caletka said he had visited the site recently, and noted that the union members he spoke to stated that the problems at the station were intermittent, and only a bowed ceiling tile from a previous roof leak was in evidence when he visited. He agreed with Councilmember Paul that the new Town Administrator should take on this project.

Mayor Truex felt this station should be a priority, and the station in Councilmember Paul's district was a priority as well. He thought they should have separate workshops for the two, but felt they could hold the workshop before the new Town Administrator came on board. Councilmember Starkey agreed.

Fire Chief Don DiPetrillo explained that some of the most serious issues had been resolved, but some issues remained. He was reluctant to put a lot of money into the station at this point. Councilmember Starkey said this would be discussed at the workshop. Council agreed to put this on the November 1, 2006 agenda for further discussion.

10. MAYOR/COUNCILMEMBER'S COMMENTS

COUNCILMEMBER CALETKA

KEN COHEN. Councilmember Caletka commended and thanked Mr. Cohen for the work he had done as Acting Town Administrator.

VICE-MAYOR CROWLEY

IRENE DEGROOT. Vice-Mayor Crowley commended Irene DeGroot for the ceremony honoring Micki McKenzie.

WAL-MART. Vice-Mayor Crowley submitted a resolution from the Davie Country Estates Homeowner Association expressing opposition to the Wal-Mart project.

EVERGLADES WORKING GROUP MEETING. Vice-Mayor Crowley asked Mr. Cohen if a staff member could be present at the October 27th Everglades Working Group meeting.

CONGRATULATIONS. Vice-Mayor Crowley advised that he and Councilmember Starkey had attended the Broward County Sports Hall of Fame where Ronnie Bergeron was honored. He thanked Mr. Bergeron for all he had done for the rodeo arena.

THE COMMONS. Vice-Mayor Crowley said a massive mail out had been sent regarding the November 8th Planning and Zoning Board hearing of The Commons project. He worried that Town Hall could not accommodate the numbers of people he felt would attend. Mr. Dell said staff would set up closed circuit television in the Community Room for additional attendee. Mayor Truex recommended that the Town ask the applicant to erect a tent outside for the overflow crowd. A representative for the applicant agreed to this recommendation.

Councilmember Caletka said he had received a call that a Turnberry representative had informed a resident that Councilmember Caletka was in favor of the project when he was, in fact, still neither in favor of nor opposed to the project. A Turnberry representative requested the name of the resident so she could determine the agent who claimed this.

HEALTH INSURANCE. Vice-Mayor Crowley asked what the status was on putting the insurance out to bid. Mr. Cohen advised that staff was addressing the issue through multiple tiers that staff expected would reduce the costs to most employees. For employees that would experience an increase, reserves would be used to keep their costs at an even level. Staff also intended to consider other ways to reduce the overall costs and would re-bid next year. Vice-Mayor Crowley objected to the use of the broker of record for this and felt this broker was costing the Town too much. Mr. Cohen stated that there was no additional cost for the tiers. Staff was also in the process of creating specifications to bid for a consultant. Mr. Muniz hoped this bid would go before the Bid Specification Committee and then would go out in early November.

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COUNCILMEMBER STARKEY

BROWARD COUNTY SPORTS HALL OF FAME. Councilmember Starkey advised that three Davie residents were inducted into the 2006 Broward County Sports Hall of Fame: jockey Jerry Bailey, Dolphin Stadium Board Chair Tim Robbie and rodeo organizer Ron Bergeron.

WATER QUALITY INITIATIVES. Councilmember Starkey informed Council that grant monies were available through the South Florida Water Management District for various projects to enhance the Broward County water quality initiatives. She felt staff should apply for some of this grant funding.

LANDSCAPE ISSUES. Councilmember Starkey said she and staff were working with the Long Lake Ranches Association to resolve some landscape issues. She asked for help from staff to coordinate the site plan maps and report.

POLICE/FIRE MEMORIAL DEDICATION. Councilmember Starkey wanted Council to set a date for dedication of the Police/Fire memorials.

COUNCILMEMBER PAUL

STATE FARM BUREAU CONFERENCE. Councilmember Paul announced that she had attended the State Farm Bureau Conference and presented the conference resolutions to the Council.

OAK SCHOLAR. Councilmember Paul advised that the Oak Scholar property had been sold and would be another area of open space. She stated that this area would compliment the Farm Park and the Riverstone residents would be pleased.

ROUNDAABOUT SIGN. Councilmember Paul advised that the sign in the roundabout near Western High School for the Oak Hill community had been destroyed and she wanted to determine how this could be replaced. She stated that she had been told that the driver's insurance company should cover the replacement of the sign. Mr. Cohen and Mr. Kiar agreed to look into this.

FIRE STATION WORKSHOP. Before calling for a workshop on Fire Station 68, Councilmember Paul wanted a written report from Chief DiPetrillo with a timeline on the Shenandoah Fire Station.

UNDERGROUND POWER LINES. Councilmember Paul wanted to invite a representative from FPL to discuss the feasibility and costs of underground power lines. Councilmember Starkey thought there was legislation that provided incentive monies and Ben Wesley was willing to work with any community.

MAYOR TRUEX

PARK SHELTERS. Mayor Truex wanted to know what legal remedy the Town had regarding people sleeping in park shelters. Mr. Cohen said that he would address this issue with Police Chief John George.

ROUNDAABOUT SIGN. Regarding the sign in the roundabout near Western High School, Mayor Truex felt that this sign should not be specific to Oak Hill as the sign was in the intersection, since there were several developments in that area. He wanted to be sure Council discussed this before the sign was replaced.

11. TOWN ADMINISTRATOR'S COMMENTS

No comments were provided

12. TOWN ATTORNEY'S COMMENTS

SPECIAL EXECUTIVE SESSIONS. Mr. Kiar said Counsel Michael Burke had requested an executive session regarding YYBC Inc. d/b/a Eden versus the Town. Mr. Burke felt that a half hour meeting was needed and those persons in attendance would be Mr. Burke, Council, the Town Administrator and himself. Mr. Kiar added that Mr. and Mrs. Yapp had filed a lawsuit against the Town, and the court had ordered mediation. He advised that he would need approximately 15 minutes and those in attendance

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would be Martin Hynes, the Town Administrator, Council and himself. Council agreed to discuss these items at 6:00 p.m. prior to the next Council meeting held on November 1, 2006.

NEW PLANNER. Mr. Dell introduced the Lize Bazinet, Town’s new planner.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 10:54 p.m.

Approved_____

Mayor/Councilmember

Town Clerk